IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL No. 2401 of 2005

Between:

1.The Singareni Collieries Co.Ltd.,

rep. by Director(Operations), Kothagudem,

Khammam District, and another.

.....APPELLANT

AND

L.Mangya

.....RESPONDENT

JUDGMENT: (Per Hon'ble Sri justice Bilal Nazki)

Heard learned Counsel for the parties.

For the sake of convenience, the parties shall be referred to as they appeared in the writ petition.

The writ petitioner filed a writ petition, by which he had challenged the proceedings in Ref.No.CTO/I/9/2000/673, dated 05.05.2000, punishment order in Ref.No.P-10/4200/IR/1000, dated 11-01-2001 and the proceedings of the appellate authority in Ref.No.P-10/4200/IR/2176, dated 21-09-2001.

It is the admitted case of the parties that although the writ petitioner was working from the year 1974 with the respondent-Company, but he was appointed to the post of Driver Grade 'D' by way of a fresh appointment in the year 1983. Thereafter, he was promoted to the post of Driver Grade 'C' in the year 1996. Certain charges of misconduct were levelled against him, which according to the respondents were proved, and the writ petitioner was given punishment by which he was reverted as General Mazdoor.

The point for consideration was could the reversion be made to any post other than the post which was in the cadre and to which the writ petitioner had been appointed.

The learned single Judge found that the writ petitioner could not have been reverted from being a Driver Grade 'C' to the post of a General Mazdoor. We have not been shown any rule by which it could have been done. The relevant order is reproduced below:

> 'On 3-5-2000, you were deputed to work on Lorry No.APH 7932 for Super Bazar Duty. At the beginning of the shift, 84 litres of diesel was filled in the Diesel Tank, of the said lorry vide indent No.17717 dated 3-5-2000. It is reported that the lorry had traveled only upto Bombay Colony, Rudrampur and back.

> In the second shift, when Sri Mustaq Ahmed took charge of lorry and filled diesel in the said lorry for proceedings to Hyderabad, it was found that 72 litres of diesel was required to make the tank full vide indent No.17721 dated 3-5-2000. The consumption of diesel for the duty done by this lorry is on very very high side. You have not informed to your superiors about the high diesel consumption and it may be construed that the diesel may have been pilfered.'

By no stretch of imagination, the writ petitioner could be reverted from the post of Driver Grade 'C' to the post of a General Mazdoor. Therefore, we do not find any ground to interfere with the order passed by the learned single Judge, who upheld the order of reversion, but held that the writ petitioner could only be reverted to the next lower post, which was a Driver's post in Grade 'D'.

In this view of the matter, the writ appeal is dismissed. No costs.

(Bilal Nazki, J)

3rd February, 2006

(S.Ananda Reddy, J)

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